

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-39 were pending in this application. Claims 7, 9, 10 and 18 have been cancelled, and claims 1, 8, 11, 17, 20, 30 and 37 have been amended hereby. Accordingly, claims 1-6, 8, 11-17 and 19-37 will be pending herein upon entry of this Amendment. Support for the amendment to each of the claims can be found, for example, in Figures 1-4 of the present application. For the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1-39 were provisionally rejected based on double patenting under 35 U.S.C. §101 over claims 1-39 of co-pending application 09/839,217. Claims 1-39 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-39 of co-pending application 09/839,217. To the extent these grounds of rejection might still be applied to claims presently pending in this application, they are respectfully traversed.

As set forth above, each of the independent claims of the present application has been amended to even more clearly modify the scope thereof in comparison to the independent claims pending in co-pending application 09/839,217. In particular, the amended claims now pending herein no longer recite "sending a location request communication" and/or "receiving an access denied response." Thus, the scope of the sets of claims pending herein in comparison to those pending in co-pending application 09/839,217 is clearly different. Applicant notes for the record

that the scope of the claims in each of the co-pending applications was different even before amendment, in that the claims in 09/839,217 recited, for example, "receiving an access denied response with a reason code of at least one of MS Inactive, Busy, No Page Response and Unavailable from the home location register," which was not recited in any of the original claims in the instant application. Nevertheless, to accelerate the prosecution of this application, Applicant has elected to further differentiate the claims via the instant Amendment, and to thereby clearly overcome the §101 double patenting rejection.

Should the Examiner still take the position that a judicially create obviousness-type double patenting rejection is still justified despite the claim amendments set forth herein, the Examiner is requested to contact the undersigned so that an appropriate Terminal Disclaimer can be prepared and submitted.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

Serial No.: 09/822,332  
Art Unit: 2683

Attorney's Docket No.: BS00-079  
Page 13

SHAW PITTMAN LLP  
1650 Tysons Boulevard  
McLean, VA 22102  
Tel: 703/770-7900

Date: February 24, 2004

Respectfully submitted,

ALAN L. KREGEL

By:



Lawrence D. Eisen

Registration No. 41,009

Attachments:

LDE/dkp

Customer No. 28970

Document #: 1272703 v.1